BUILDING COVENANTS.—"DWELLING HOUSE."—A covenant prohibited the erection of anything except dwelling houses. *Held,* that it is not violated by the erection of an apartment house, the term "dwelling house" being broad enough to include an apartment building. *Church* v. *Madison Ave. Bldg. Co.,* (N. Y. 1915) 108 N. E. 444.

In its broadest significance, the word dwelling house denotes a building used as a settled human abode, and, in common parlance, when not qualified, conveys the notion of a single home. *Evans & Finch's Case,* 1 Cro Car. 340. But in its application to specific circumstances courts have arrived at diametrically opposite conclusions. On the one hand are those holding flatly that an apartment house is not a dwelling house. *Sanders* v. *Dixon,* 114 Mo. App. 229, 89 S. W. 577; *Skillman* v. *Smathehurst,* 57 N. J. Eq. 11; *Harris* v. *Roraback,* 137 Mich. 292; *Schadt* v. *Brill,* 173 Mich. 647, 11 MICH. LAW REV. 521. Taking the opposite view is the Illinois court, holding that buildings containing more than one family do not violate such a restriction as in the principal case. *Hutchinson* v. *Ulrich,* 145 Ill. 336, 34 N. E. 556, 21 L. R. A. 391. The New York court, in arriving at the same conclusion, has the support of its own precedents. *Holt* v. *Fleischman,* 78 N. Y. Supp. 647; *Bates* v. *Logeling,* 122 N. Y. Supp. 251. So, too, in Pennsylvania, *Johnson* v. *Jones,* 244 Pa. 386, 52 L. R. A. (N. S.) 325 It is a fact to be noted, however, that these decisions deal with situations in the metropoli of those states, and the conclusions of the courts are largely influenced by buildings surrounding those in question. In view of such a diversity of opinion it would seem that each court must decide the case according to the contextual language of the covenant and the extenuating circumstances. In the principal case the court indicates that if the restriction were to *private* dwellings the decision would be otherwise.

CONSTITUTIONAL LAW.—CHANGE IN MANNER OF PUNISHMENT.—Plaintiff in error was found guilty of murder, the punishment for that crime at the time it was committed being death by hanging within the county jail, or its inclosure, in the presence of specified witnesses; and was sentenced to death under a subsequent act which prescribed electrocution as the means of producing death instead of hanging, fixed the place therefor within the penitentiary, and permitted the presence of more invited witnesses than had theretofore been allowed. *Held,* the later act was not *ex post facto* in respect to the said offense. *Malloy* v. *South Carolina,* 35 Sup. Ct. 507.

In answer to the "meticulous objection based upon change of place for execution and increased number of witnesses," the court refers to *Holden* v. *Minnesota,* 137 U. S. 483, and *Rooney* v. *North Dakota,* 196 U. S. 319. "The constitutional inhibition of *ex post facto* laws was intended to secure substantial personal rights against arbitrary and oppressive legislative action, and not to obstruct mere alteration in conditions deemed necessary for the orderly infliction of humane punishment." Disposing of the more serious objection as to the change in the method of producing death, the court refers to the legislation of various states substituting electrocution for hanging, and states that "this result is the consequent of a well grounded belief that electrocu-